#### BEFORE

#### THE PUBLIC SERVICE COMMISSION

#### OF SOUTH CAROLINA

#### DOCKET NO. 2010-162-T

Commission Granting a Class C Non-	
Emergency Certificate of Public	
Convenience And Necessity to Blu Star	
Transportation of Augusta, LLC For Failure	

The Office of Regulatory Staff ("ORS") hereby moves and requests that the Public Service Commission of South Carolina ("Commission") Rescind its Order Number 2010-409 issued in the above Docketed matter on June 2, 2010.

As stated in that Order, the Commission ruled that the Applicant Blu Star Transportation of Augusta, LLC ("BLU STAR" or "Applicant") was to file or cause to have filed with the Office of Regulatory Staff ("ORS") within sixty (60) days of the Order "the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2009) of the Commission's Rules and Regulations for Motor Carriers....",

In support of this Motion, ORS would respectfully show:

1. That as of November 8 2010, the ORS has not yet received from the Applicant BLU STAR the proof of insurance as required by 26 S.C. Code Regs.103-171, the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1), the records inspection as required by 26 S.C. Code Regs. 103-133 (7), and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150. See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the Form E, the License

Decal Application Form and appropriate license decal fee, the records inspection, and the vehicle(s)

inspection, the Applicant BLU STAR has not been issued a Certificate of Public Convenience and

Necessity and has failed to comply with the terms of Commission Orders No. 2010-409.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to

Rescind Orders No. 2010-409 based on the Applicant Blu Star's failure to comply with the terms

and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the

Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF

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November 10, 2010 Columbia, South Carolina

2

# ATTACHMENT A

### **BEFORE**

# THE PUBLIC SERVICE COMMISSION

## OF SOUTH CAROLINA

# DOCKET NO. 2010-162-T ORDER NO. 2010-409

## November 8, 2010

IN RE:

Application of Blu Star Transportation of Augusta, LLC for a Class C Non-Emergency Certificate of Public Convenience and Necessity of Certain Motor Carriers

Affidavit of Carole Chauvin

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On November 8, 2010, I examined the business records on file with ORS.
- As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171, the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1), and the records inspection as required by 26 S.C. Code Regs 103-133 (7) and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150 have not been filed with ORS by the following company as of November 8, 2010:

Blu Star Transportation of Augusta, LLC 225 Magnolia Avenue Augusta, Georgia 30901

# AND FURTHER THE AFFIANT SAYETH NOT.

Carde Chauven

Program Specialist, Transportation Department Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201

Sworn and subscribed before me this day of Mayon , 20 10

Notary Public for South Carolina

My Commission Expires: 2/10/20

## **BEFORE**

# THE PUBLIC SERVICE COMMISSION

## **OF SOUTH CAROLINA**

## **DOCKET NO. 2010-162-T**

Application Blu Star Transportation of Augusta,	)	
LLC for a Class C Non-Emergency Certificate of	)	CERTIFICATE OF SERVICE
Public Convenience and Necessity for Operation	)	
of Motor Vehicle Carrier	)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the MOTION TO RESCIND COMMISSION ORDER NO. 2010-409 in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Blu Star Transportation of Augusta, LLC 225 Magnolia Avenue Augusta, GA 30901

Chrystal L. Morgan

November 10, 2010 Columbia, South Carolina